



The Gambling Business Group Response to the Gambling Commission's Consultation on;

- **Proposal 1: Extending the requirement to participate in the multi-operator self-exclusion scheme to additional categories of betting licensee.**
- **Proposal 2: Imposing a requirement to report to the Commission deaths by suicide to the Commission, in order to support compliance and enforcement and to inform ongoing consideration of policy.**
- **Proposal 3: Making a small technical update on the requirements in relation to payment services to reflect current regulations.**

The Gambling Business Group is a membership organisation with representation across all land-based sectors of the Gambling Industry and on-line too. Membership includes Operating Licence holders, Licensing Solicitors, Consultants, suppliers and manufacturers. The Gambling Business Group represents the most comprehensive spectrum of industry stakeholders in the UK.

The following response to the Gambling Commission's consultation is from the membership of the Gambling Business Group.

Unfortunately, the online consultation response process employed by the Gambling Commission on its website restricts the scope of responses/submissions. We have therefore chosen to make our submission through this document in order that we can articulate all of our views effectively.

Proposal 1.

The Gambling Business Group (GBG) is of the view that the vulnerable should be protected at all times and it is incumbent upon all stakeholders to facilitate this where-ever and when-ever possible. This includes providing the ability to refrain from gambling activities as and when required through registration for the protection that self-exclusion provides.

We see no moral rationale for exempting any forms of gambling from Licensing Objective (c),

.....protecting children and other vulnerable persons from being harmed or exploited by gambling (Gambling Act 2005).

The GBG therefore fully supports the Gambling Commission's Proposal 1 to extend the requirement to participate in the multi-operator self-exclusion scheme to additional categories of betting licensee.

Furthermore, we believe that this proposal to extend self-exclusion should be extended so any vulnerable individual can be protected by excluding from ALL forms of regulated gambling (including all National Lottery products) and until they can, gambling regulations cannot be fully aligned with the Licensing Objectives.

Proposal 2.

Upon reading the introductory narrative to this Proposal, it is difficult to understand how this proposed change will further deliver the Commission's aims.

1. There is already an obligation within LCCP (Ordinary Code 1.1.1) for licencees to 'disclose anything which the Commission would reasonably need to be aware of in exercising its regulatory functions'. It is confirmed in Para 46 that Operators are already reporting 'deaths by suicide' without the need for this additional change; *'This is the type of information which has been provided to us by operators who have made reports of deaths by suicide.'* It is therefore hard to understand why an additional regulatory burden in the LCCP is necessary when a simple reminder of the existing obligations would deal with any perceived lack of understanding.
2. Further to the point above, Para 30 states *'While some licensees have notified us in this way in the past, there is a risk that this is not being done consistently.'* Is there any evidence that this is an actual risk, or is this simply a perceived risk? In the absence of any such evidence put forward in the consultation, it leaves the reader to assume the latter.
3. This then leads to question of how the Gambling Commission would begin to go about regulating this new Proposal? How will the regulator know that a licensee has not reported a 'death by suicide' by one of its customers? The only logical answer to this is that the Gambling Commission will be notified by a third party, which would potentially include the media (we are aware that the Gambling Commission regularly scans the media for 'things they need to be aware of'). If this is the case, then the Commission will be made aware of 'death by suicide' anyway through their existing channels, rendering these proposed changes to LCCP unnecessary.
4. This is further endorsed in Para 33 where it is recommended that 'media reports' are to be relied upon by licensees as a source of information (a bizarre form of suggested compliance in and of itself), which also could result in duplication of reports for the same individual's suicide by multiple operators.
5. We also note that in Para 46 it is acknowledged that "the proposed requirement includes the particulars of information which we currently consider should be provided when a licensee makes a notification to the Commission, if that information is held by the licensee." This is helpful confirmation that these things are already happening without the proposed changes to LCCP. Furthermore, we know that the Gambling Commission checks the self-exclusion scheme databases for the names of those who have 'died from suicide', therefore the additional requirement for the licensees to do the same function (stated in this Para 46) is an unnecessary duplication.
6. Moving from regulating to enforcement, Para 32 states that 'failure to report the event' would mean *'The Commission would have the power to commence enforcement action which could lead to a sanction as a result.'* The piece of information missing from this section is how the Gambling Commission would go about proving (beyond reasonable doubt) that the licensee actually knew about the 'death by suicide' and then chose not to report it to the Gambling Commission? The fact that it may have been printed in a local newspaper is not evidence that a licensee has seen it (and then not acted upon it). It would appear from what is written in the consultation that if any such sanctions were imposed by the Gambling Commission, they would not stand up for very long in a fair and balanced appeal process.

7. Moving onto the section 'How would the Commission use the information? It is helpfully stated in Para 37 that 'The Commission recognises that the information provided by licensees would not and cannot be used to measure suicides associated with gambling or act as a proxy for such figures.'
8. We also know from academia that *"Contrary to some media reports, suicide is not caused by a single factor. Instead, it is the end product of a complex set of biological, psychological, clinical, social and cultural determinants that come together in a perfect storm."*(O'Connor (2021),pp12-13). And, *"speculation about the 'trigger' or cause of a suicide can oversimplify the issue and should be avoided"* (The Samaritans (2021), p4).
9. With the information in points 7 & 8 above, society is a long way from understanding the complex circumstances that lead to suicide, and for the Gambling Commission to allude to causal links between gambling and suicide through the auspices of this Proposal is in our view naive, and in the words of the Samaritans "increases the risk of contagion".

Taking all of the above into consideration (and particularly point 8) The Gambling Business Group cannot agree with Proposal 2 of this consultation document.

Other points to bring to the attention of the Gambling Commission regarding Proposal 2.

- a) We believe that there are better, more elegant ways to tackle the issue alluded to by the Gambling Commission such as (but not exclusively) the Australian approach whereby officials who are actually qualified to report on suicides are responsible for providing the data. However, such an approach would require collaboration.
https://www.suicidepreventionaust.org/wp-content/uploads/2022/02/Gambling-Report_2022.pdf
- b) We are concerned that Para 47 of the consultation may not be aligned with the 'Data Minimisation' sections of the Data Protection Act 2018 as it is written. *"The Commission has previously indicated that licensees should ensure that data which relates in any way to regulatory compliance should be available for a minimum period of five years after the end of a relationship with a customer,"* along with the quoted exceptions for online self-exclusion. If the Gambling Commission has Data Protection documentation including risk assessments that supports the extended data retention periods stated, then perhaps they should be sharing those documents with licensees who (in turn) can substantiate their own privacy policies accordingly (and also to confirm full compliance).
- c) The GBG does not understand why the Gambling Commission is looking to deceased persons for evidence of non-compliance with LCCP obligations (and for learnings) when there are known 'disordered gamblers' in active circulation who can provide first hand evidence of failures to protect vulnerable persons. It is expected that some 'lived experience' disordered gamblers will harbour prejudices, but there will be ways to properly and fairly investigate claims of operator failings. This method has to be a far more effective and factual way to gather evidence than those contained in Proposal 2.

Proposal 3.

The GBG is of the view that where-ever possible, gambling regulations and legislation should be future proofed. The Gambling Commission's Proposal 3 is an amendment to the payment services requirements that both aligns them to current Payment Services Regulation and any successive versions of those regulations.

The GBG therefore fully supports the contents of Proposal 3.